

Policy 2280

Instruction

Enforcement, Renewal and Revocation of Charter and Performance Certificate

This district is responsible for ensuring that each charter school it approves meets the terms of the charter and performance certificate, and operates in accordance with the state educational standards of thoroughness. The board of trustees or its designee will collect and analyze data to support ongoing evaluation according to the performance certificate. The board of trustees has authority to conduct or require oversight activities that enable it to fulfill its responsibilities under chapter 52, title 33, Idaho Code, including conducting appropriate inquiries and investigations. The board of trustees' oversight activities will (i) be consistent with the intent of the Idaho public charter school law; (ii) adhere to the terms of the performance certificate; and (iii) will not unduly inhibit the autonomy granted to public charter schools. *Complaints against the charter school by parents, patrons, and students will be investigated by the district, as appropriate.*

The board of trustees will annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and Idaho Code §33-5209A. The board of trustees may require each public charter school it oversees to submit an annual report to assist it in gathering complete information about each school consistent with the performance framework. Each public charter school must publish its annual performance report on the school's website.

If the board of trustees has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it will provide written notice of such concern to the State Department of Education. Upon receipt of the written notice, the State Department of Education has authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of Idaho Code §33-1009(1), such that equal percentages are paid on each of the prescribed dates.

If the board of trustees has reason to believe that a public charter school it oversees has violated any provision of law, it will notify the public charter school and the entity responsible for administering said law of the possible violation.

RENEWAL PROCEDURES

Following the initial three (3) year term of the charter, the board of trustees may non-renew or grant renewal for an additional five (5) years, based upon the performance of the public charter school on the performance indicators, measures and metrics contained in the performance certificate. Subsequent renewals shall be for a term of five (5) years. The board of trustees may grant renewal with specific, written conditions for necessary improvements to a public charter school and the date by which such conditions must be met.

No later than November 15, the board of trustees will issue a public charter school performance report and charter renewal guidance to any public charter school whose charter will expire the following year. The performance report will summarize the public charter school's performance record to date, based upon the data required by the Idaho Public Charter School law and the performance certificate. The board of trustees will also provide notice of any weaknesses or concerns determined by the board of trustees concerning the public charter school that may jeopardize its position in seeking renewal, if not timely rectified. The public charter school has thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

The renewal application guidance provided by the board of trustees will, at a minimum, provide an opportunity for the public charter school to:

- a. Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
- b. Describe the improvements undertaken or planned for the school; *and*
- c. Respond to any weaknesses, deficiencies or concerns identified by the board that may affect the public charter school's position in seeking renewal.

The renewal application guidance will also include or refer explicitly to the criteria that will guide the board of trustees' renewal decisions, which will be based on independent fiscal audits and the performance framework set forth in the performance certificate.

No later than December 15, the board of directors of the public charter school seeking renewal shall submit a renewal application to the board of trustees pursuant to the renewal application guidance issued by the board of trustees. The board of trustees will vote on the renewal application no later than March 15.

In making a renewal decision, the board of trustees will:

- a. Ground its decisions in evidence of the school's performance over the term of the performance certificate in accordance with the performance framework set forth therein;
- b. Ensure that data used in making renewal decisions are available to the school and the public; and
- c. Provide a public report summarizing the evidence basis for each decision.

The board of trustees will renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal. The board of trustees may either renew or non-renew any charter in which the public charter school failed to meet one (1) or more of the terms of its performance certificate.

NONRENEWAL AND REVOCATION PROCEDURES

A charter approved by this district may be non-renewed or revoked if it is determined by this district that any of the following has occurred:

- a. The public charter school has failed to meet the terms of the performance certificate; or
- b. The public charter school has failed to meet the terms of the written conditions established pursuant to Idaho Code §33-5209B (1) by the dates specified; or
- c. The board of trustees determines that the continued operation of the public charter school presents an imminent public safety issue.

Generally, the board of trustees will not determine whether a charter should be non-renewed or revoked prior to notifying the charter school of the defect(s), giving the charter school an opportunity to cure the defect(s), and following a public hearing on the matter. The board of trustees will provide *a minimum of thirty (30) days'* written notice to the public charter school of possible revocation or nonrenewal and the reasons for such possible closure. The public charter school must respond in writing within said *thirty (30) day period*, unless the board agrees to a longer period of time. The public hearing will be conducted within *thirty (30) days* of receipt of the written reply. The public hearing shall be conducted by the board of trustees, or designated hearing officer, in accordance with Idaho Code §67-5242 on contested cases. At the public hearing, Charter holders will be permitted to (i) submit documents and give testimony challenging the rationale for closure and in support of continuation of the school; and (ii) be represented by counsel and call witnesses on their behalf. The board of trustees will issue a written decision within *thirty (30) days* of the public hearing regarding whether the charter will be revoked or non-renewed, and the decision will set forth the reasons for the revocation. In the event the charter is non-renewed or revoked, the board of trustees will adopt a resolution clearly stating the reasons for nonrenewal or revocation.

If the district reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, the board of trustees can immediately revoke the charter.

A decision by this district to revoke or non-renew a charter may be appealed directly to the State Board of Education. The procedure set forth under the section "Appeal to the State Board of Education" in *Policy 208* will be used. In the event the State Board of Education reverses a decision of revocation or nonrenewal, the public charter school subject to such action shall then be placed under the chartering authority of the public charter school commission.

DISTRIBUTION OF ASSETS UPON NONRENEWAL, REVOCATION OR TERMINATION OF CHARTER

When a charter originally approved by this district is non-renewed or revoked, or the board of directors of the public charter school terminates the charter, the assets of the public charter school remaining after all debts of the public charter school have been satisfied must be returned to the district for distribution in accordance with applicable law. The assets shall first be distributed to satisfy outstanding payroll obligations for employees of the public charter school, including any tax, PERSI and other employee benefit obligations, then to creditors of the school, and then to the district. If the assets of the public

charter school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

Policy History:

Adopted: March 2018

Legal Reference:

Idaho Code Sections

33-5201 *et seq.* (Idaho Charter School Law)

67-5201 *et seq.* (Idaho Administrative Procedures Act)

IDAPA 08.02.04 (Rules Governing Public Charter Schools)